

NEW HAMPSHIRE SUPREME COURT

3JX ORAL ARGUMENT LIST

October 11, 2006

The cases listed are scheduled for oral argument on October 11, 2006. The order of the argument is subject to change by the court. **PLEASE NOTE THE CHECK-IN TIME FOR YOUR CASE.**

3JX Procedure

The 3JX procedure is described in Supreme Court Rule 12-D. Cases will be heard by a panel of three supreme court justices. Each side will receive five minutes of uninterrupted argument; any questions will be asked after the allotted time has expired. Persons presenting oral argument should assume that the justices are familiar with the facts and should address the merits of their argument.

The panel's written decision must be unanimous. If the justices disagree or believe that the case should be the subject of a full written opinion, it will be referred to the full court in accordance with Rule 12-D.

The moving party is responsible for ensuring that any portions of the record necessary to decide the issues presented by the case are available for court review. (See generally Supreme Court Rules 13 and 14).

N O T I C E S

IT IS A CLASS B FELONY TO CARRY A FIREARM OR DEADLY WEAPON, AS DEFINED IN RSA 625:11, V, INTO A COURTROOM OR AREA USED BY A COURT.

ANY PERSON WHO REQUIRES AN AUXILIARY AID TO HEAR ORAL ARGUMENT SHOULD ADVISE THE CLERK OF COURT AS FAR IN ADVANCE OF ORAL ARGUMENT AS POSSIBLE SO THAT THE EQUIPMENT CAN BE AVAILABLE.

Wednesday, October 11, 2006, beginning at 9:30 a.m.:

Check-in 9:00 a.m.:

2005-0532	In re Christopher Kafejelis
Confidential	DRC (Michael Skibbie) for Christopher Kafejelis (5 min.) Attorney General (K. Allen Brooks) BC&O (Linda Capuchino) for Richard Herron of Mental Health Center of Manchester (5 min. total)

DUGGAN AND GALWAY, JJ., DISQUALIFIED

2005-0424 In the Matter of Karn U. Hassler and Richard M. Hassler
W&N (Darla S. Sedgwick) for Karn U. Hassler (5 min.)
ML&O (Benette Pizzimenti) for Richard Hassler (5 min.)

HICKS, J., DISQUALIFIED

2005-0753	Edward J. Burke Wenners L/O (Vincent A. Wenners, Jr.) (5 min.)	v.	Bunny's Superette, Inc, Thomas M. Burke, Marie I. Burke, and Bernadine P. Donelson DM&B (Danielle Pacik) for Thomas M. Burke A&A (Ruth Tolf Ansell) for Marie Burke and Bernadine P. Donelson (5 min. total)
-----------	---	----	--

HICKS, J., DISQUALIFIED

2005-0706	ElderTrust of Florida, Inc. O&R (William L. Chapman) (5 min.)	v.	Town of Epsom S&M (Edward C. Mosca) (5 min.)
-----------	--	----	---

2005-0592 Appeal of Tracy Waterman
(Personnel Appeals Board)
D&N (James W. Donchess) for Tracy Waterman (5 min.)
Attorney General (Nancy J. Smith) for Department of Safety/State Police
(5 min.)

Check-in 10:00 a.m.:

2005-0565	MDR Corporation Kalman L/O (Sumner F. Kalman) (5 min.)	v.	Anthony Scappicio, James Mower and Mary Mower C&B (John G. Cronin) for James and Mary Mower (5 min.)
2005-0826	David B. Tuttle, Trustee B&Z (Michael A. Fuerst) (5 min.)	v.	Nicholas B. Cohen Heal L/O (Laird J. Heal) (5 min.)
2005-0868	Melvin Severance, III, Janice Severance and Donald Severance WS&P (Robert E. Murphy, Jr.) (5 min.)	v.	Town of Epsom S&M (Edward C. Mosca) (5 min.)
2005-0512	Hales Location Owners Association MGR&M (Scott H. Harris) for Hales Location Owners Assoc. O&R (Martha Van Oot) for Intervenors K.J. Makaitis and Karen Anne Makaitis (5 min.)	v.	Robert H. Carleton, Trustee NM&F (Thomas W. Aylesworth) (5 min.)
2005-0811 Confidential	In re Juvenile 2005-0811 Maynard L/O (Elizabeth Maynard) for mother (5 min.) Attorney General (Laura E. B. Lombardi) for NH DCYF (5 min.)		

NOTE: The following cases have not been scheduled for the October 3JX session, but they are on call as possible replacement cases should any of the scheduled cases settle or be continued. Counsel should mark their calendars accordingly. At least five days notice will be given if the replacement cases are scheduled for argument. If the following cases are not heard at this session of arguments, they will be scheduled during the next oral argument session.

2005-0873	Eric J. Wiener WW&F (Jack S. White) (5 min.)	v.	DKH, Inc. d/b/a City Line Auto Sales Kennedy L/O (Donald A. Kennedy) (5 min.)
-----------	---	----	---

HICKS, J., DISQUALIFIED

2006-0093	Appeal of Gale Cossette (Department of Education) M&R (Stanley J. Mullaney) for Gale Cossette (5 min.) SLKS&L (Barbara F. Loughman) for Milton School District (5 min.) Attorney General
-----------	--

2006-0129	Appeal of LRGHealthcare d/b/a Lakes Region General Hospital (Department of Labor) WW&F (Michael J. Fontaine) for LRGHealthcare (5 min.) B&M (Gary S. Harding) for Murphy & Beane (5 min.) Attorney General
-----------	--

September 6, 2006

Attest: _____
Eileen Fox, Clerk